

Remarks

Status of the Application

A Notice of Allowance was mailed 5/27/2005. The Issue Fee has not been paid.

The Application originally recited priority claims to U.S. Provisional Application 60/202,448, filed on 05/06/2000, and U.S. Patent Application 08/834,642 filed on 4/14/1997.

Correction to Priority Claim

The application as originally filed had an earliest priority date of 4/14/1997, by a priority claim to a utility application (08/834,642) filed 4/14/1997. The '642 application was one of two related applications (the other being application 08/834,616) filed on 4/14/1997. The priority claim was intended to refer to both of those applications. Further, the specific relationship between the present application and the parent utility applications was not recited. Applicant requests that the priority claim be amended to include the reference to the '616 application and to recite the relationship to the parent utility applications. Note that the earliest priority date is not changed by the amendment, and so no publication or other action scheduling by the Office would have been affected. MPEP 201.11(V) appears to indicate that a petition and surcharge is required when the delay in presenting a priority claim is "because the application will not have been scheduled for publication on the basis of the information concerning the benefit claim contained elsewhere in the application." Since the present priority claim amendment does not change any priority or other date, or any effective date for prior art purposes, Applicant submits that a petition and surcharge are not required. If this understanding is incorrect, and a petition and surcharge are required for entry of the amendment, Applicant respectfully requests that the Office so advise in a timely manner so that Applicant can make the required submission before the deadline for payment of the Issue Fee.

Entry of Amendment

The present amendment to the priority claim is needed for proper protection of the invention to maintain continuity of prosecution among the present application and the two parent utility applications. The priority claim amendment does not change any date relative to prior art, or change in any way the scope of the already-allowed claims. Accordingly, Applicant submits that the amendment requires no substantial amount of additional work on the part of the Office, and that entry is proper. MPEP 714.16. The amendment was not presented earlier since Applicant only recently noticed the unintentional errors in the priority claim.

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